

PLM-1

DECISION



THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548

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FILE: B-193346

DATE: March 20, 1979

MATTER OF: Frank Shaffer-Corona - Travel Expenses

*[Request For Travel Expenses By D.C. Board of Education Member]*

DIGEST: An elected member of the District of Columbia Board of Education may be reimbursed for the cost of round-trip transportation and per diem expenses to Havana, Cuba, to attend the Eleventh World Festival of Youth and Students, International Tribunal. Travel was authorized in advance by appropriate Board of Education officials, and the benefit of the trip may not be challenged after the fact. Interest may not be paid on the claim despite the delay in payment.

Mr. Charles E. Davis, Accounting Officer, Government of the District of Columbia, requests an advance decision as to whether Mr. Frank Shaffer-Corona, an elected member of the District of Columbia Board of Education, is entitled to reimbursement of travel expenses incurred in connection with a trip from Washington, D.C., to Havana, Cuba, and return during the period July 26 through August 8, 1978.

Mr. Shaffer-Corona was certified by the First Secretary and Consul, Cuban Interests Section, Embassy of the Czechoslovak Socialist Republic, as a member of the American delegation to the Eleventh World Festival of Youth and Students, International Tribunal, "Youth Accuses Imperialism," held in Havana, Cuba, from July 26 through August 8, 1978. Before the conference, Mr. Shaffer-Corona submitted a Request and Authorization for Official Travel, dated July 20, 1978, which was approved by Mr. Dwight S. Cropp, Executive Secretary to the Board of Education. After the conference Mr. Shaffer-Corona submitted two travel vouchers in the amounts of \$831.63 and \$20.67, and dated September 19 and September 29, 1978, respectively. Mr. Davis, the Accounting Officer, questions the authority for the travel to Cuba and has declined to approve the vouchers for payment pending our decision.

The controversy and confusion surrounding the claimant's trip to Cuba is shown by the following chronology of events. On

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July 25, 1978, Conrad P. Smith, President of the Board of Education, sent a memorandum to Dr. Vincent E. Reed, Superintendent of Schools, concerning Mr. Shaffer-Corona's proposed travel, which states, in pertinent part, as follows:

"Neither the Board of Education nor the President of the Board of Education has authorized such travel, nor is the purpose of such travel within the general mandate for travel for Board of Education Members.

"The Request for Authorization for Official Travel, dated July 20, 1978, signed by Mr. Dwight S. Cropp, Executive Secretary to the Board of Education, was signed in error. His signing was unauthorized.

"I would appreciate your taking appropriate administrative steps to preclude the issuance of D.C. funds for such travel."

The issue was then taken up by the other members of the Board of Education at an informal meeting, and the eight members present agreed that the travel expenses should be approved. Sometime after the meeting, Mr. Smith changed his position and sent Mr. Shaffer-Corona a memorandum, dated July 26, 1978, which reads as follows:

"Upon reviewing your travel request and all attached materials, along with the appropriate travel regulations, it appears that your request for travel to the 'Eleventh World Festival of Youth and Students,' must be granted.

"As President of the Board of Education, however, I would urge that you reconsider your request to use Board of Education funds to attend this 'gathering'. Board travel funds are intended to be utilized for educational conferences and training sessions, primarily within the confines of this country. Certainly, the purpose of the 'Eleventh World Festival of Youth and Students,' does not meet the spirit or intent of Board of Education allotted travel funds."

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An advance of funds for the trip was approved by an accounting officer on July 26, 1978, but the approval came too late because Mr. Shaffer-Corona had already begun his trip.

The issue to be decided is whether the travel expenses in question were legally authorized. The Federal Travel Regulations (FPMR 101-7) (May 1973), promulgated pursuant to 5 U.S.C. § 5707 (1976), are applicable to travel by the District of Columbia Government. Paragraph 1-1.4 of the FTR provides, in part, as follows:

"Authority for Travel. Except as otherwise provided by law, all travel shall be either authorized or approved by the head of the agency or by an official to whom such authority has been delegated.\* \* \*"

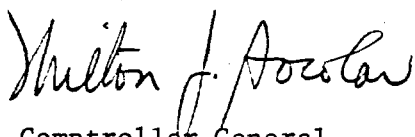
The memorandum of July 26 from the Board President, quoted above, along with the authorization signed by the Executive Secretary to the Board of Education and the approval by an appropriate accounting officer of an advance of funds to Mr. Shaffer-Corona, leads us to conclude that Mr. Shaffer-Corona's travel must be viewed as meeting the authorization requirement of FTR para. 1-1.4.

Although Mr. Davis reports that he is unable to glean any indication of the benefit to be derived by the Board of Education from Mr. Shaffer-Corona's travel, a sentiment obviously shared by the then President of the Board, the payment of the travel expenses was authorized in advance by the Executive Secretary and by the President of the Board and was endorsed by the other Board members. Further, we have been advised that discretionary travel funds were available to Mr. Shaffer-Corona. He is, therefore, entitled to be reimbursed for his travel and we will interpose no objection to certification of the vouchers, if otherwise proper.

Mr. Shaffer-Corona also takes the position that this claim should have been honored at the time it was submitted and, therefore, he should be reimbursed for the interest on a bank loan taken to cover his travel expenses. It is the well-established rule that interest on claims against the United States, even where payment has been unreasonably delayed, does not follow automatically upon

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the allowance of the claim. Interest can be recovered against the United States only if provided for by contract or specifically directed by statute. United States v. James, 301 F. Supp. 107 (1969); United States v. Mescalero Apache Tribe, 207 Ct. Cl. 369 (1975). Also, 53 Comp. Gen. 824 (1974); Matter of M. Rene Santoni, B-187877, April 14, 1977, and cases cited therein. We find no contractual or statutory provision that authorizes an award of interest with respect to this claim. The claim for interest must therefore be denied.

*for*   
Comptroller General  
of the United States